

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF PLATTSBURGH, NEW YORK**

October 22, 2009

**5:30 P.M.**

**MINUTES**

**Present:** Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Michael Kelly (W2), George Rabideau (W3), Jim Calnon (W4), Amy Valentine (W5), Chris Jackson (W6)

**Absent:** None

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**1. MINUTES OF THE PREVIOUS MEETING:**

**RESOLVED:** that the Minutes of the regular meeting of the Common Council held on October 15, 2009 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Calnon

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

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**2. PAYROLLS OF VARIOUS DEPARTMENTS:**

**RESOLVED:** That the payrolls of the various Departments of the City of Plattsburgh for the week ending October 21, 2009 in the amount of \$ 230,898.58 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

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**3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:**

- Report of Fire and Ambulance Responses for the week of October 15-21, 2009
- Report from the Building Inspector's Office from June 10, 2009 – October 15, 2009

**RESOLVED:** That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Rabideau; Seconded by Councilor Valentine

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

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**4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS:**

- Correspondence from City of Plattsburgh Planning Board regarding review of Proposed "Streetscape & Design Guidelines Downtown Area" Document.

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**5. AUDIT OF CLAIMS:**

**RESOLVED:** That the bills approved by the Auditing Committee of the Common Council in the amount of \$ 464,325.48 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Valentine  
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)

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**6. PERSONS ADDRESSING COUNCIL:**

**David Greenwood** of Peru, NY owns a duplex at 104 Lafayette St had some issues with sewer backing up and addressed the City Engineer department to get of a tree has had Roto-rooter there a few times. Wrote a letter a few weeks ago to the Councilors, The Mayor's office and the City Engineer and hasn't heard anything. **Mayor Kasprzak** stated that he has met with the City Engineer today and that Kevin Farrington was going to contact Mr. Greenwood and discuss removing the tree and that Public Works, MLD and City Engineer have all looked at the leaning tree over the dwelling. Mr. Greenwood said that the sewer is backing up and he has tenants in there.

**Lindsey Lyons and Mike White** spoke and submitted document representing SUNY students and a Rally they are having on Wednesday, October 28, 2009 at 3 pm protesting state cuts from the SUNY budget. The protest will take place on the lawn in front of Kent Hall and they are requesting that Rugar St be closed from 3 pm until 4:30pm. **Councilor Jackson** spoke to the representatives explaining as an employee of SUNY he understands supports and agrees with their cause, however, he feels where they want to hold rally they will be blocked from view of public and no one would be able to see their cause. He suggested moving the rally to the grassy area by the Kehoe parking lot and he can't support closing Rugar Street during those hours on a weekday due to the inconvenience to the public and that they may get people against their cause since they are being inconvenienced by closing Rugar Street during the busy time. **Lindsey Lyons** said they will look into moving the location. **Mayor Kasprzak** stated that it is a safety issue at that time of day closing down Rugar Street whether or not you support the SUNY cuts is a separate issue. We all know the importance of SUNY in Plattsburgh. **Councilor Rabideau** suggested having the Rally on a different day. The representatives indicated that all SUNY schools are doing the Rally on the same day. **Councilor Carpenter** felt that by closing Rugar Street during that time will irritate the public and they won't be happy about having to go a different route at that time of day there is an enormous amount of traffic at that time and there is no way he can support closing Rugar St. **Councilor Rabideau** stated that by closing Rugar Street it could create a problem for Police and Fire Departments he agreed with Councilor Jackson to move location. **Councilor Valentine** thought that there was plenty of room where they are planning to have the Rally and they will need to make sure that students don't spill into roadway. **Mayor Kasprzak** stated that they will not support closing the street but that they do support the reason for the Rally.

**Lori Wetzel** from Valcour. Retired dental hygienist she supports keeping Fluoride in the water. Her husband had a Doctorate in Toxicology and he studied Fluoridation in the water and he found no harm and no bad affects having Fluoride in the water.

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## 7. OTHER ITEMS:

**A. RESOLVED:** In accordance with the request therefore the Common Council approves Bill Treacy, Manager MLD to award the Bid No. 2009-9-2 Electric Power Cable to the following Vendors: GottoGo Electric \$96,004.00; Stuart C. Irby \$20,475.00; WESCO \$57,858.00. Total Bid Award Cost is \$174,337.00.

By Councilor Jackson; Second by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**B. RESOLVED:** In accordance with the request therefore the Common Council approves Jennifer Boyer to bring a Half Marathon to the City of Plattsburgh. The proposed date would be Sunday, April 18, 2010 starting at 8:00 am. At this time the 2 main sponsors are Delta Marketing and KCB Incorporated. Jennifer has met with the Police Department, Public Works and Recreation Department.

By Councilor Valentine; Second by Councilor Jackson

Discussion:

**Councilor Carpenter** wanted to check with departments involved to verify they were in support of the Marathon.

**Councilor Rabideau** asked whether this was going to be a city sponsored event and from his understanding by the City Clerk if it is a City sponsored event then it would come under the City's insurance. So is the Marathon a City sponsored event. If it is not a City sponsored event then the group would have to get their insurance.

**Councilor Jackson** asked Ms. Boyer if they intended it to be a City sponsored event. Ms Boyer indicated that they would like it to be City sponsored but that if the City wouldn't sponsor then they have the other sponsors as back up plan.

**Mayor Kasprzak** stated that if this resolution is Adopted that doesn't mean it would be a City sponsored event that would have to be a separate issue.

**Councilor Calnon** recommended they vote on this as it stands and then they can vote on if the City is going to sponsor at a different time.

**Councilor Carpenter** asked Steve Peters if he has considered sponsoring it. Steve said yes he has looked into and has a budget in mind etc. **Councilor Carpenter** asked Steve if he would like to sponsor it. Steve said yes he would.

**Councilor Rabideau** asked if they should table it.

**Councilor Jackson** said he agrees with **Councilor Calnon** that they should vote on it and decide if it is going to be a City sponsored event after.

**Councilor Rabideau** feels they should table it to decide if it is a City sponsored event to clarify the insurance requirements, etc.

**Councilor Calnon** feels that they should vote on it so Jennifer Boyer knows whether or not they can

have the marathon and then they can vote on if it should be City sponsored later.

**Councilor Rabideau** wanted to include wording so that they know if it is a City sponsored event with regard to the insurance.

**Councilor Carpenter** thought they should add wording to resolution if it is a City sponsored event or not.

**Jennifer Boyer** indicated that she has interest already in the marathon and she feels that they need to get going on this immediately as they have a lot to do to prepare for the event and if it is not going to be City sponsored then she needs to get some more sponsors, etc.

**Mayor Kasprzak** stated that whether the City sponsors or not Jennifer Boyer is still going to put on the Marathon. He said we need to vote on this tonight and then to vote on whether the City is going to sponsor it or not later.

**Councilor Jackson** thought they should vote on it tonight and then put it on initial next week to vote if it is going to be City sponsored or not.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**D.** Motion to waive rule 4 for initial consideration "Request from The Student Association at SUNY Plattsburgh to hold a Student-led protest closing Rugar Street from the College Store (Saranac Hall) to Sibley Hall on October 28, 2009 between 3:00 pm and 4:30 pm.

By Councilor Calnon; Second by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

**RESOLVED:** In accordance with the request therefore the Common Council approves request from The Student Association at SUNY Plattsburgh to hold a Student-led protest closing Rugar Street from the College Store (Saranac Hall) to Sibley Hall on October 28, 2009 between 3:00 pm and 4:30 pm.

By Councilor Calnon; Second by Councilor Carpenter

Discussion:

**Councilor Calnon** felt the Council needs to remain consistent with all of protests that are brought in front of the Council to keep them confined to public areas and off the roadways.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the negative)

**ACTION TAKEN:** Defeated

Follow up Action: None

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**C. Introduction of LOCAL LAW NO. P7 OF 2009 AMENDING THE BOUNDARIES OF PLATTSBURGH EMPIRE ZONE AREAS 1, 2 AND ESTABLISHING ZONE AREA 4.**

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**8. TRAVEL REQUEST: None**

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## 9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from Community Development Office to advertise for rebids for building improvements on Project Main St #5 (92 Bridge St, Campus Corner). The project consists of replacing the entire front façade and roofing.
2. Request from Bill Treacy, Manager MLD to write-off unpaid final bills from November 1, 2008 to November 30, 2008 in the total amount of \$2,129.39. The percentage of write-offs for this period is 0.19%.
3. Request from Corporation Counsel to enact Plattsburgh Empire Zone changes:
  - a. SEQR DETERMINATION ON PROPOSED PLATTSBURGH EMPIRE ZONE BOUNDARY AMENDMENTS AND ZONE DESIGNATION
  - b. RECEIPT OF MAYOR'S CERTIFICATION OF NEED FOR IMMEDIATE PASSAGE OF LOCAL LAW
  - c. ADOPTION OF LOCAL LAW NO.7 OF 2009 AMENDING THE BOUNDARIES OF PLATTSBURGH EMPIRE ZONE AREAS 1, 2 AND ESTABLISHING ZONE AREA 4
4. Request from The Student Association at SUNY Plattsburgh to hold a Student-led protest closing Rugar Street from the College Store (Saranac Hall) to Sibley Hall on October 28, 2009 between 3:00 pm and 4:30 pm.  
(Moved to agenda under "Other Items" Letter D)
5. Request from Bill Treacy, Manager MLD for Kelley Clookey, MLD Finance Director to attend the MEUA Accounting and Finance Workshop in East Syracuse, NY from November 17-19, 2009 at a cost not to exceed \$490.00.
6. **Councilor Calnon** requests that the Half Marathon scheduled for April 18, 2010 a "City-sponsored event" relating to the City's Event Insurance Requirements.

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## 10. NEW BUSINESS:

**Keith Herkalo**, City Clerk stated that he believes they need to set a Public Hearing for Thursday October 29, 2009 on LOCAL LAW NO. P7 OF 2009 AMENDING THE BOUNDARIES OF PLATTSBURGH EMPIRE ZONE AREAS 1, 2 AND ESTABLISHING ZONE AREA 4.

**Mayor Kasprzak** set Public Hearing on LOCAL LAW NO. P7 OF 2009 AMENDING THE BOUNDARIES OF PLATTSBURGH EMPIRE ZONE AREAS 1, 2 AND ESTABLISHING ZONE AREA 4 for 5pm on Thursday October 29, 2009.

**Councilor Carpenter** wondered if Jennifer Boyer wanted the City to sponsor the event.

**Councilor Jackson** indicated that Jennifer Boyer does want the City to sponsor the event.

**Mayor Kasprzak** asked Richard Marks to research costs. Richard said he needed to know if they were going to have the runners sign a “Hold Harmless Agreement” against being injured while running the race. Richard Marks will find out from Steve Peters.

**Councilor Rabideau** state that Mike Brodi, Public Works is going to get a news release out to have people plan now to keep the vehicles off the street from November 1st until March 31<sup>st</sup> so that snow can be removed from City Streets and Parking lots. A test of the snow ban emergency lights will be done on 10-30-09.

**Councilor Kelly** thinks it is good that Mike Brodi is being proactive.

**Councilor Calnon** wanted to mention they will be having Budget Sessions after meeting for Mayor’s office, Common Council, Assessor and Corporation Counsel.

**Councilor Kelly** read from the NYCOM Handbook for City Officials regarding “Guidelines for Public Comment.”

**Councilor Rabideau** also agrees that when someone comes in they should address issues to the Mayor and Council not the individual Councilor or Mayor and can’t single out people and attack them.

**Councilor Valentine** asked if Beth could type up rules of etiquette during a Common Council Meeting and have available for people to pick up outside, have one on the podium and put on website.

**Mayor Kasprzak** agreed and Beth will take care of that.

**Councilor Calnon** also agrees that no one has right to speak without Mayor’s permission and that a member can ask the person who is addressing the Council for clarification and doesn’t equate to debate and thanks **Councilor Kelly** for bringing this issue forward.

**Councilor Kelly** said **Councilor Carpenter** had the Minutes from the Organizational Meeting 01-08-09 and maybe that language should be included.

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**11. CLOSING PUBLIC COMMENTS: None**

Motion to Adjourn by Jackson; Seconded by Councilor Valentine

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

**MEETING ADJOURNED: 6:18 pm**